

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, June 20, 2011  
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan  
Alternates present: F. Loxsom, K. Rawn  
Alternates absent: V. Ward  
Staff Present: Linda M. Painter, Director of Planning and Development, Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:00 p.m.

**Minutes:**

06-06-11- Hall MOVED, Ryan seconded, to approve the 6/6/11 minutes as written. MOTION PASSED with all in favor except Pociask who disqualified himself. Lewis and Plante noted that they listened to the recording of the meeting.

06-15-11 Field Trip- Holt MOVED, Beal seconded to approve the 6/15/11 minutes with corrections to the members in attendance and St. Martin as an applicant, not an owner. MOTION PASSED with Favretti, Beal, Goodwin, Holt, Rawn and Ryan in favor and all others disqualified.

**Zoning Agent's Report:**

Noted. Hirsch related that the Altnaveigh owners, who live on the second floor of the building, will be hosting a wedding for their son. The Inn will be closed to guests and the wedding will include a large tent, band and invited guests. He noted that they do not have a Live Music permit for the restaurant/inn, but because this is also their residence they are allowed to have a private function on their property that includes music.

**Old Business:**

1. **Application to amend the Zoning Regulation to add Place of Assembly-Banquet Hall as a permitted use in the Neighborhood Business 2 Zone, M. Healy, applicant, PZC File #1301**

After a brief discussion, with consensus of members in favor of the proposal, Favretti distributed an approval motion for members to consider.

Hall MOVED, Holt seconded, to approve the application of Michael Healey, (File #1301), to amend Article VII, Section S.2 of the Zoning Regulations to add as a new permitted use in the Neighborhood Business-2 (NB-2) zone "Places of Assembly-Banquet Hall" as submitted to the Commission and heard at a Public Hearing on June 6, 2011. A copy of the subject regulation shall be attached to the Minutes of this meeting, and this amendment shall be effective as of July 15, 2011. Reasons for approval include:

1. The revision is considered acceptably worded and suitably coordinated with related zoning provisions.
2. The subject NB-2 zone contains few parcels that are considered potential sites for a Places of Assembly-Banquet Hall Use. Mansfield's Special Permit approval process and special NB-2 requirements will ensure that potential land use impacts will be addressed.
3. The revision is considered to be consistent with Plan of Conservation & Development goals and objectives and the provisions of Article I of the Zoning Regulations. The revision could promote economic development in one of the Town's limited "Planned Development Areas"

MOTION PASSED with all in favor except Pociask who abstained.

**Continued Public Hearing:**

**Gravel Permit Renewals: Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green Property, 1090 Stafford Road PZC File #1258**

Chairman Favretti opened the continued Public Hearing at 7:22 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Loxsom and Rawn. Linda M. Painter, Director of Planning and Development, noted a 6/15/11 memo from C. Hirsch, Zoning Agent and a 6/15/11 memo from the G. Meitzler, Assistant Town Engineer.

**Banis property on Pleasant Valley Road File #1164**

S. Banis reiterated that he does not quarry stone on Sundays, but does farm on that day. He feels this could be what the neighbors are hearing and complaining about. He noted that he had done very little quarrying this past year.

**Hall property on Old Mansfield Hollow Road File #910-2**

E. Hall had nothing new to add.

**Green Property, 1090 Stafford Road PZC File #1258**

Hirsch noted that due to lack of activity, he advised the applicants that he didn't think any issues or questions would be raised, thus there was no need for them to be present at the hearing.

Favretti noted that there were no further questions or comments from the public or Commission. Holt MOVED, Hall seconded, to close the Public Hearing at 7:35 p.m. MOTION PASSED UNANIMOUSLY.

Holt MOVED, Hall seconded, to extend the permits of Hall, Banis and Green with all existing conditions intact until July 19, 2011. MOTION PASSED UNANIMOUSLY.

Holt agreed to work with staff on motions.

**Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**

Pociask disqualified himself and Favretti appointed Loxsom to act in his place.

Linda M. Painter, Director of Planning and Development, reviewed her 6/16/11 report and a 6/15/11 report from F. Raiola, Deputy Fire Marshal.

E. Tomazos stated that he will work with Mansfield's Building Office and Fire Marshal to develop plans for the stairway to the plaza. He noted that part of this landscape plan is to enhance and repair the stonewall along Dog Lane.

John Alexopoulos, landscape architect, reviewed the landscape plan and noted the majority of the plantings will be done in the fall to ensure plant survival, but building and seeding of the mound will begin soon.

Members expressed confusion over the submitted plans. Members agreed that they did not want to hold up work on the landscaping any longer, but that clearer plans need to be submitted for approval of the modification request.

Plante MOVED, Hall seconded, that the PZC allow landscaping work to go forward and that it be noted that approval at this time is only for landscaping and that the stop-work order on the project is still in effect for structural work until the PZC receives and approves more complete plans for the exhibit area and plaza. MOTION PASSED with all in favor except Pociask who had disqualified himself.

Peter Millman, Dog Lane, stated that he is pleased that the PZC allowed the landscaping portion of this project to move forward, noting that it will be much more pleasing aesthetically for neighbors. He questioned Tomazos if the stonewall can be re-built to give a uniform width to the adjacent sidewalk.

**Old Business:**

**2. 4/14/11 Draft revisions to the Zoning Regulations Re: Agricultural Uses, PZC File #907-36**

Beal MOVED, Holt seconded, to approve, effective July 15, 2011, revisions to: Article IV, Section B; Article VII, Section G; Article VIII, Section B; Article X, Section C; and Article X (addition of a new sub-section T) regarding agricultural uses. The approved revisions reorganize, clarify and incorporate new standards (particularly for the keeping of animals) for agricultural uses in Mansfield.

The subject Zoning Regulation revisions, which are attached, were presented as 4/14/11 drafts at a May 16, 2011 Public Hearing and subsequently revised as a June 9, 2011 draft to address comments received at the Public Hearing.

In approving these Zoning Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning, Mansfield's Agriculture Committee and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to regulate the erection, construction, reconstruction or alteration of buildings and structures;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to promote health and the general welfare and to facilitate adequate provisions for water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII Section D of the Zoning Regulations.
3. The revisions are acceptably worded and suitably coordinated with related Zoning provisions. The proposed wording has been found legally acceptable to the Town Attorney.
4. The revisions clarify and strengthen existing policies regarding the protection of surface and ground water, inland wetlands and other environmental resources.
5. The revisions promote agricultural uses while providing appropriate standards and permit processes to address potential environmental impact, neighborhood impact and animal welfare issues.

MOTION PASSED with all in favor except Pociask who abstained and Goodwin who was opposed.

3. **3/30/11 Draft revisions to numerous sections of the Zoning Regulations, PZC File #907-35**

Beal MOVED, Plante seconded, to approve, effective July 15, 2011, revisions to:

- A. Article VII, Section N and Article X, Section A, to incorporate new design criteria for the Planned Business 3 Zone (Four Corners Area).
- B. Article V, Section A; Article VIII, Section A; Article X, Section J and R; and Article XI, Section C to incorporate revised application and approval criteria to protect historic resources and new zoning permit, site plan and special permit approval criteria for exterior construction in designated historic village areas.
- C. Article V, Sections A and B and Article X, Section R to incorporate revisions to existing Architectural and Design Standards.
- D. Article VIII, Section A to incorporate new setback provisions for outdoor recreational facilities.
- E. Article V, Section A incorporate revised site plan and special permit standards for lighting improvements.
- F. Article V, Section A incorporate revised provisions for sidewalk, bikeway, trail and other pedestrian and bicycle improvements.
- G. Article V, Section A incorporate revised notice provisions and revised standards for refuse area.

The subject Zoning Regulation revisions, which are attached, were presented as 3/30/11 drafts at a May 16, 2011 Public Hearing and subsequently revised as a June 9, 2011 draft to address issues raised during the hearing and post hearing review process.

In approving these Zoning Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapters 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to regulate the erection, construction, reconstruction or alteration of buildings and structures;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to promote health and the general welfare and to facilitate the adequate provision for water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority to encourage energy-efficient patterns of development;

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII Section D of the Zoning Regulations.
3. The revisions are acceptably worded and suitably coordinated with related Zoning provisions. The proposed wording has been found legally acceptable to the Town Attorney

4. The revisions incorporate a new intent section and design standards to promote the coordinated development of the Four Corners Area of Mansfield.
5. The revisions clarify and strengthen existing and incorporate new submission requirements and approval criteria regarding the protection of historic features and historic village areas.
6. The revisions refine and expand architectural and design standards, particularly regarding vehicular and pedestrian traffic, public transit, building designs, building materials and accessory improvements.
7. The revisions incorporate new setback requirements for outdoor recreational improvements to help reduce potential neighborhood impact.
8. The revisions incorporate new lighting provisions to help reduce neighborhood impacts and promote efficient energy use.
9. The revisions incorporate new provisions to help encourage pedestrian and bicycle use.

MOTION PASSED with all in favor except Pociask who abstained.

4. **4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**  
Tabled pending 7/5/11 continued Public Hearing.
5. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, PZC File # 636-4**  
Tabled-awaiting information from applicant.

**New Business:**

1. **New Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5**  
Goodwin MOVED, Plante seconded, to receive the Special Permit application (File #483-5) submitted by U.S. Properties, Inc., for a restaurant use, on property located at 82-86 Storrs Road, owned by College Mart & U.S. Properties, Inc., as shown on plans dated 3/10/11, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a Public Hearing for July 18, 2011. MOTION PASSED UNANIMOUSLY.
2. **Consideration of Appointing Director of Planning and Development as Deputy Zoning Agent**  
Holt MOVED, Plante seconded, that the Planning and Zoning Commission appoint Linda M. Painter, Director of Planning and Development as the duly authorized Deputy Zoning Agent. MOTION PASSED UNANIMOUSLY.

**Reports from Officers and Committees:**

None noted.

**Communications:**

Communications listed on the agenda were noted.

**Adjournment:**

Chairman Favretti declared the meeting adjourned at 8:36 p.m.

Respectfully submitted,

Katherine Holt, Secretary